

REMARKS

In response to the Office Action dated March 5, 2009, claims 21, 24, 30 and 31 have been amended. Claims 21-37 are pending in the application.

On page 2 of the Office Action, claim 21 was objected to because of informalities.

Applicant respectfully traverse the objection to the claims, but in the interest of expediting prosecution has amended the claims as suggested to overcome the objections as suggested.

On page 2 of the Office Action, claims 21-29 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Applicant respectfully traverse the objection to the claims, but in the interest of expediting prosecution has amended the claims to overcome the rejection.

On page 3 of the Office Action, claims 21-23, 30 and 37 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Alexander in view of Hane.

On page 5 of the Office Action, claims 24-29 and 31-36 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Lang in view of Alexander.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has amended claims.

Independent claim 21 sets forth monitoring content viewed on a content viewing device by a user, determining, by a content recommendation engine, a content recommendation based on the monitored content viewed on the content viewing device by the user, detecting when a user initiates a channel change event on the content viewing device, providing the content recommendation to the content viewing device of the user

in response to detecting a user initiating a channel change event on the content viewing device, the channel change event associated with the user selecting a channel on the content viewing device and allowing the user to selectively view on the content viewing device the recommended content or content of the selected channel, wherein the content recommendation is provided by the content recommendation engine to the content viewing device of user prior to allowing the user to view the content of the selected channel on the content viewing device. Independent claims 24, 30 and 31 set forth similar elements.

Alexander merely describes recording the viewer's actions and the circumstances surrounding those actions to develop a profile. Alexander further discloses displaying a content recommendation.

However, Alexander fails to suggest providing the content recommendation to the user in response to detecting a user initiating a channel change event. Alexander records the user's actions but only uses the user's actions to build the profile of the user, not to initiate the display of a content recommendation.

Further, Alexander also fails to suggest allowing the user to selectively view the recommended content or content of the selected channel, wherein the content recommendation is provided to the user prior to allowing the user to view the content of the selected channel. Alexander fails to disclose that the content recommendation, displayed in response to the detection of the channel change event, is provided to the user prior to allowing the user to view the content of the selected channel. Alexander merely describes the displaying of an ad in a window.

Thus, Alexander fails to disclose, teach or suggest the invention as defined in independent claims 21, 24, 30 and 31, as amended.

Hane fails to overcome the deficiencies of Alexander. Hane is merely cited as providing a content recommendation to the user prior to allowing the user to view the content of the selected channel. However, Hane fails to suggest providing the content recommendation to the user in response to detecting a user initiating a channel change event. Rather, Hane discloses that the system controller 104 controls the various components of the program recommending system in response to user's manual control actions entered from manual control unit 109. Operation of the various components of the program recommending system is controlled by system controller 104.

Further, Hane also fails to suggest, teach or disclose that the content recommendation, displayed in response to the detection of the channel change event, is provided to the user prior to allowing the user to view the content of the selected channel. Hane teaches that the system controller 104 controls the various components of the program recommending system in response to user's manual control actions entered from manual control unit 109. Thus, the user must enter a request in the manual control unit 109 to display the recommendation. However, the user may also simply change the channel without selecting to view recommendations.

Therefore, Hane fails to disclose that the content recommendation is presented to the user in response to a user changing the channel. Hane also fails to disclose that a content recommendation, displayed in response to the detection of the channel change

event, is provided to the user prior to allowing the user to view the content of the selected channel.

Thus, Alexander and Hane, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 9, 17 and 20-21, as amended.

Lang fails to overcome the deficiencies of Alexander and Hane. Lang is merely cited as disclosing that a perceptible indication is provide to the user and that a plurality of users for monitoring content viewing is selected by the user.

However, Lang fails to suggest providing the content recommendation to the user in response to detecting a user initiating a channel change event. Lang does not mention a channel change event.

Further, Lang also fails to suggest allowing the user to selectively view the recommended content or content of the selected channel, wherein the content recommendation is provided to the user prior to allowing the user to view the content of the selected channel. Lang only describes that information if presented to the user. Lang does not mention displaying information prior to changing to a selected channel.

Thus, Alexander, Hane and Lang, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 21, 24, 30 and 31, as amended.

Dependent claims 22-23, 25-29 and 32-37 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 21, 24 and 31, respectively. Further dependent claims 22-23, 25-29 and 32-37 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants


respectfully submit that dependent claims 22-23, 25-29 and 32-37 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Merchant & Gould
P.O. Box 2903
Minneapolis, MN 55402-0903
(865) 380-5976

By: 
Name: David W. Lynch
Reg. No.: 36,204

